

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY WILLIAM SPARKS,
also known as Timothy William
Schwanz,

Plaintiff,

v.

FNU GULICKSON, Officer and
Counselor for A-Unit, official and
individual capacities; FNU BOUCHE,
Capt.; FNU GOLDEY, Warden, official
and individual capacities; FNU ROTHER,
Unit Manager; FNU KALAHAN, Officer;
FNU TREADWAY, Officer; FNU
ATKINSON, Officer; FNU BOAMA, Chaplin;
FNU HOLLIS, A-Unit Case Manager; and
FNU REICHERT, Officer,

Defendants.

Case No. CIV-24-00136-JD

ORDER

Before the Court is the Report and Recommendation issued by United States Magistrate Judge Amanda Maxfield Green on June 28, 2024. [Doc. No. 22]. Judge Green recommends that the Court dismiss Plaintiff's claims without prejudice to re-filing. Judge Green advised Plaintiff of his right to object to the Report and Recommendation by July 19, 2024, and that failure to object to the Report and Recommendation would waive appellate review of the findings and recommendations in the Report and Recommendation.

"[A] party's objections to the magistrate judge's report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or

for appellate review.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). By not objecting to a magistrate judge’s report and recommendation, a party waives the right to challenge the legal and factual basis for the magistrate judge’s decision. *See Ayala v. United States*, 980 F.2d 1342, 1352 (10th Cir. 1992) (holding that the plaintiffs “waived their right to appeal the magistrate’s ruling” because they did not file any objections); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991) (“Our waiver rule provides that the failure to make timely objection to the magistrate’s findings or recommendations waives appellate review of both factual and legal questions.”). Here, Plaintiff did not object, did not request an extension of time to object, and has not filed anything since the issuance of the Report and Recommendation.

With no objection being filed, the Court ACCEPTS the Report and Recommendation [Doc. No. 22]. For the reasons stated in the Report and Recommendation, the Court DISMISSES Plaintiff’s action without prejudice. It is further ORDERED that Plaintiff’s letters [Doc. Nos. 5, 9, 14, 16, 17, 18, 19, 20, 21] are STRICKEN from the record. A separate judgment will follow.

IT IS SO ORDERED this 26th day of July 2024.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE